



Rep. Linda Chapa LaVia

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LRB096 11419 RCE 27727 a

1 AMENDMENT TO SENATE BILL 1995

2 AMENDMENT NO. _____. Amend Senate Bill 1995, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Local Government Debt Reform Act is amended
6 by changing Section 10 as follows:

7 (30 ILCS 350/10) (from Ch. 17, par. 6910)

8 Sec. 10. General provisions. Bonds authorized by
9 applicable law may be issued in one or more series, bear such
10 date or dates, become due at such time or times within 40
11 years, except as expressly limited by applicable law, provided
12 that notwithstanding any such express limitation bonds issued
13 by Lockport High School or Elgin Community College District No.
14 509 for the purpose of purchasing, constructing, or improving
15 real property may become due within 25 years, bear interest
16 payable at such intervals and at such rate or rates as

1 authorized under applicable law, which rates may be fixed or
2 variable, be in such denominations, be in such form, either
3 coupon, registered or book-entry, carry such conversion,
4 registration, and exchange privileges, be subject to
5 defeasance upon such terms, have such rank or priority, be
6 executed in such manner, be payable in such medium of payment
7 at such place or places within or without the State of
8 Illinois, make provision for a corporate trustee within or
9 without the State with respect to such bonds, prescribe the
10 rights, powers and duties thereof to be exercised for the
11 benefit of the governmental unit and the protection of the
12 bondholders, provide for the holding in trust, investment and
13 use of moneys, funds and accounts held under an ordinance,
14 provide for assignment of and direct payment of the moneys to
15 pay such bonds or to be deposited into such funds or accounts
16 directly to such trustee, be subject to such terms of
17 redemption with or without premium, and be sold in such manner
18 at private or public sale and at such price, all as the
19 governing body shall determine. Whenever such bonds are sold at
20 price less than par, they shall be sold at such price and bear
21 interest at such rate or rates such that either the true
22 interest cost (yield) or the net interest rate, as may be
23 selected by the governing body, received upon the sale of such
24 bonds does not exceed the maximum rate otherwise authorized by
25 applicable law. Except for an ordinance required to be
26 published by applicable law in connection with a backdoor

1 referendum, any bond ordinance adopted by a governing body
2 under applicable law shall, in all instances, become effective
3 immediately without publication or posting or any further act
4 or requirement.

5 (Source: P.A. 90-306, eff. 8-1-97.)

6 Section 10. The School Code is amended by changing Section
7 19-3 as follows:

8 (105 ILCS 5/19-3) (from Ch. 122, par. 19-3)

9 Sec. 19-3. Boards of education. Any school district
10 governed by a board of education and having a population of not
11 more than 500,000 inhabitants, and not governed by a special
12 Act may borrow money for the purpose of building, equipping,
13 altering or repairing school buildings or purchasing or
14 improving school sites, or acquiring and equipping
15 playgrounds, recreation grounds, athletic fields, and other
16 buildings or land used or useful for school purposes or for the
17 purpose of purchasing a site, with or without a building or
18 buildings thereon, or for the building of a house or houses on
19 such site, or for the building of a house or houses on the
20 school site of the school district, for residential purposes of
21 the superintendent, principal, or teachers of the school
22 district, and issue its negotiable coupon bonds therefor signed
23 by the president and secretary of the board, in denominations
24 of not less than \$100 nor more than \$5,000, payable at such

1 place and at such time or times, not exceeding 20 years, with
2 the exception of Lockport High School not exceeding 25 years,
3 from date of issuance, as the board of education may prescribe,
4 and bearing interest at a rate not to exceed the maximum rate
5 authorized by the Bond Authorization Act, as amended at the
6 time of the making of the contract, payable annually,
7 semiannually or quarterly, but no such bonds shall be issued
8 unless the proposition to issue them is submitted to the voters
9 of the district at a referendum held at a regularly scheduled
10 election after the board has certified the proposition to the
11 proper election authorities in accordance with the general
12 election law, a majority of all the votes cast on the
13 proposition is in favor of the proposition, and notice of such
14 bond referendum has been given either (i) in accordance with
15 the second paragraph of Section 12-1 of the Election Code
16 irrespective of whether such notice included any reference to
17 the public question as it appeared on the ballot, or (ii) for
18 an election held on or after November 1, 1998, in accordance
19 with Section 12-5 of the Election Code, or (iii) by publication
20 of a true and legible copy of the specimen ballot label
21 containing the proposition in the form in which it appeared or
22 will appear on the official ballot label on the day of the
23 election at least 5 days before the day of the election in at
24 least one newspaper published in and having a general
25 circulation in the district, irrespective of any other
26 requirements of Article 12 or Section 24A-18 of the Election

1 Code, nor shall any residential site be acquired unless such
2 proposition to acquire a site is submitted to the voters of the
3 district at a referendum held at a regularly scheduled election
4 after the board has certified the proposition to the proper
5 election authorities in accordance with the general election
6 law and a majority of all the votes cast on the proposition is
7 in favor of the proposition. Nothing in this Act or in any
8 other law shall be construed to require the notice of the bond
9 referendum to be published over the name or title of the
10 election authority or the listing of maturity dates of any
11 bonds either in the notice of bond election or ballot used in
12 the bond election. The provisions of this Section concerning
13 notice of the bond referendum apply only to (i) consolidated
14 primary elections held prior to January 1, 2002 and the
15 consolidated election held on April 17, 2007 at which not less
16 than 60% of the voters voting on the bond proposition voted in
17 favor of the bond proposition, and (ii) other elections held
18 before July 1, 1999; otherwise, notices required in connection
19 with the submission of public questions shall be as set forth
20 in Section 12-5 of the Election Code. Such proposition may be
21 initiated by resolution of the school board.

22 With respect to instruments for the payment of money issued
23 under this Section either before, on, or after the effective
24 date of this amendatory Act of 1989, it is and always has been
25 the intention of the General Assembly (i) that the Omnibus Bond
26 Acts are and always have been supplementary grants of power to

1 issue instruments in accordance with the Omnibus Bond Acts,
2 regardless of any provision of this Act that may appear to be
3 or to have been more restrictive than those Acts, (ii) that the
4 provisions of this Section are not a limitation on the
5 supplementary authority granted by the Omnibus Bond Acts, and
6 (iii) that instruments issued under this Section within the
7 supplementary authority granted by the Omnibus Bond Acts are
8 not invalid because of any provision of this Act that may
9 appear to be or to have been more restrictive than those Acts.

10 The proceeds of any bonds issued under authority of this
11 Section shall be deposited and accounted for separately within
12 the Site and Construction/Capital Improvements Fund.

13 (Source: P.A. 95-30, eff. 8-7-07.)

14 Section 15. The Public Community College Act is amended by
15 changing Section 3A-1 as follows:

16 (110 ILCS 805/3A-1) (from Ch. 122, par. 103A-1)

17 Sec. 3A-1. Any community college district may borrow money
18 for the purpose of building, equipping, altering or repairing
19 community college buildings or purchasing or improving
20 community college sites, or acquiring and equipping recreation
21 grounds, athletic fields, and other buildings or land used or
22 useful for community college purposes or for the purpose of
23 purchasing a site, with or without a building or buildings
24 thereon, or for the building of a house or houses on such site,

1 or for the building of a house or houses on the site of the
2 community college district, for residential purposes of the
3 administrators or faculty of the community college district,
4 and issue its negotiable coupon bonds therefor signed by the
5 chairman and secretary of the board, in denominations of not
6 less than \$100 nor more than \$5,000, payable at such place and
7 at such time or times, not exceeding 20 years from date of
8 issuance, as the board may prescribe, and bearing interest at a
9 rate not to exceed the maximum rate authorized by the Bond
10 Authorization Act, as amended at the time of the making of the
11 contract, payable annually, semiannually or quarterly, but no
12 such bonds shall be issued unless the proposition to issue them
13 is submitted to the voters of the community college district at
14 a regular scheduled election in such district and the board
15 shall certify the proposition to the proper election
16 authorities for submission in accordance with the general
17 election law and a majority of all the votes cast on the
18 proposition is in favor of the proposition, nor shall any
19 residential site be acquired unless such proposition to acquire
20 a site is submitted to the voters of the district at a regular
21 scheduled election and the board shall certify the proposition
22 to the proper election authorities for submission to the
23 electors in accordance with the general election law and a
24 majority of all the votes cast on the proposition is in favor
25 of the proposition. Nothing in this Act shall be construed as
26 to require the listing of maturity dates of any bonds either in

1 the notice of bond election or ballot used in the bond
2 election.

3 Bonds issued in accordance with this Section for Elgin
4 Community College District No. 509 may be payable at such time
5 or times, not exceeding 25 years from date of issuance, as the
6 board may prescribe, if the following conditions are met:

7 (i) The voters of the district approve a proposition
8 for the bond issuance at an election held in 2009.

9 (ii) Prior to the issuance of the bonds, the board
10 determines, by resolution, that the projects built,
11 acquired, altered, renovated, repaired, purchased,
12 improved, installed, or equipped with the proceeds of the
13 bonds are required as a result of a projected increase in
14 the enrollment of students in the district, to meet demand
15 in the fields of health care or public safety, to meet
16 accreditation standards, or to maintain campus safety and
17 security.

18 (iii) The bonds are issued, in one more more bond
19 issuances, on or before April 7, 2014.

20 (iv) The proceeds of the bonds are used to accomplish
21 only those purposes approved by the voters at an election
22 held in 2009.

23 With respect to instruments for the payment of money issued
24 under this Section either before, on, or after the effective
25 date of this amendatory Act of 1989, it is and always has been
26 the intention of the General Assembly (i) that the Omnibus Bond

1 Acts are and always have been supplementary grants of power to
2 issue instruments in accordance with the Omnibus Bond Acts,
3 regardless of any provision of this Act that may appear to be
4 or to have been more restrictive than those Acts, (ii) that the
5 provisions of this Section are not a limitation on the
6 supplementary authority granted by the Omnibus Bond Acts, and
7 (iii) that instruments issued under this Section within the
8 supplementary authority granted by the Omnibus Bond Acts are
9 not invalid because of any provision of this Act that may
10 appear to be or to have been more restrictive than those Acts.
11 (Source: P.A. 86-4.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."